

**Appendix A  
Dedham Planning Board  
Rules & Regulations Governing Fees and  
Fee Schedules**

**Adopted October, 2002**

**Amendments: March 2009  
Latest Revision: August 11, 2011**

**SECTION 1. INTRODUCTION**

- 1.1 **Procedural History.** On August 11, 2011, the Planning Board held a public hearing, pursuant to G.L. C. 41, s. 81Q and G.L. c. 40A, s.9, to consider proposed regulations governing fees. At the close of the public hearing, the Planning Board voted to adopt regulations governing fees and a schedule of fees for review conducted by the Planning Board and its consultants on the various types of applications which come before it. This document, subject to revision from time to time in a manner spelled out herein, constitutes the Planning Board's rules governing the imposition of fees and its current fee schedules.

On August 11, 2011, the Planning Board held a public hearing, pursuant to G.L. C. 41, s. 81Q and G.L. c. 40A, s.9, to consider proposed amendments to the regulations governing fees. At the close of the public hearing, the Planning Board voted to amend the regulations governing fees on the various types of applications that come before it

- 1.2 **Purpose.** These regulations and fee schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the costs of technical and legal review of applications to the Planning Board; to take advantage of the procedures offered by G.L. c. 44, s. 53G; to establish a review procedure in the selection of consultants; and to promote more informed decision-making by the Planning Board.

**SECTION 2. FEE STRUCTURES AND REGULATIONS**

- 2.1 **General.** The Planning Board shall impose reasonable fees for the review of applications which come before it. The Planning Board may impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.

**SECTION 3. ADMINISTRATIVE FEES.**

- 3.1 **Applicability.** An Administrative Fee shall be assessed to offset the expense of review by the Planning Board and its office with regard to all applications set forth in Section 3.3, below.
- 3.2 **Submittal.** Administrative Fees shall be submitted at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.
- 3.3 **Schedule of Administrative Fees.** The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have

appeared in the Dedham Zoning By-laws, the Rules and Regulations for the Subdivision of Land, and any listings which may have been compiled from time to time for the benefit of applicants.

FILING FEES	
• Form A Plan	\$400.00 plus \$100.00 for each new building lot
• Preliminary Subdivision Plan	\$1,000.00 plus \$100.00 for each new building lot
• Definitive Subdivision Plan	\$2,000.00 plus \$500.00 for each new building lot
• Definitive Subdivision Plan with Preliminary Plan	\$1,000.00 plus \$300.00 for each new building lot
• Parking Plan (1-10 spaces)	\$200.00 for ten spaces or less
• Parking Plan (over 10 spaces)	\$100.00 plus \$20.00 per parking space
• Site Plan	\$1,000 or \$10.00 per parking space, whichever is larger
• MNRP/SC Site Plan	\$1,000.00 plus \$5.00 per parking space
• Special Permit	\$250.00 for <u>each</u> Special Permit requested
• Modification to Parking Plan	\$10.00 per parking space added or deleted
• Modification to Site Plan	\$10.00 per parking space added or deleted
• Modification to previously approved MNRP	\$1,000.00 <u>plus</u> :
1. Insubstantial Change	\$2.00 per parking space added or deleted
2. Substantial Change	\$5.00 per parking space added or deleted
• Modification to Previously approved SC/Site	\$1,000 <u>plus</u> :
1. Insubstantial Change	\$2.00 per parking space added or deleted
2. Substantial Change	\$5.00 per parking space added or deleted

3.4 **Fees for Revised Applications.** Where an Administrative Fee has been calculated by the number of parking spaces added or deleted, and the application is revised after payment of said fee, the following rules shall apply:

- A. If the number of proposed parking spaces increases, the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional parking spaces. No review of these additional parking spaces shall take place until this additional fee is paid to the Planning Board office, and failure to make this payment after requesting additional parking spaces shall be grounds for denial of the application.
- B. If the number of proposed parking spaces decreases, a refund of that portion of the application fee predicated on those parking spaces shall be granted only if, in the judgment of the Planning Board, no cost associated with the review of those parking spaces has been yet incurred.

- 3.5 **Fee Waivers.** The Planning Board may waive or reduce any Administrative Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.
- 3.6 **Refund.** Once the review process has been commenced, the Planning Board shall not refund Administrative Fees, including the case of withdrawal of the application by the applicant, except as provided in Section 3.4.B, above.

#### **SECTION 4. PROJECT REVIEW FEES.**

- 4.1 **Applicability.** In addition to an Administrative Fee, the Planning Board shall impose a Project Review Fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.
- 4.2 **Submittal.** Project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established pursuant to G.L. c. 44, s. 53G (53G Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.
- 4.3 **Schedule of Project Review Fees.** The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Dedham Zoning By-laws, the Rules and Regulations for the Subdivision of Land, and any listings which may have been compiled from time to time for the benefit of applicants. An applicant shall deposit a Project Review Fee in accordance with the schedule below upon filing an application. After a complete application is filed with the Planning Board, the Planning Board will transit a complete application to the consultant to prepare a scope of review. Depending upon the size, scale or complexity of a proposed project, the project's potential impacts, the applicant(s) Project Review Fee may be greater than the amount of money deposited. In those instances, the applicant will submit additional money to make up the difference. The consultant will not commence their review until the total Project Review Fee is deposited for the project.

Form A Plan, when deemed necessary	\$200.00 plus \$50.00 for each new building lot
Preliminary Subdivision Plan	\$300.00 plus \$15.00 per lot
Definitive Subdivision Plan	\$750.00 plus \$75.00 per lot
Parking Plan	\$200.00 plus \$2.00 per parking space provided, moved, revised, or not previously approved
Site Plan	\$1,000.00 plus \$5.00 per parking space, whichever is greater
Major Non-Residential Project	
Senior Campus Site Plan	\$2,000 plus \$10.00 per parking space

- 4.4 **Replenishment.** When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Project Review Fee and/or the revised Project Review Fee, as imposed above, the Planning Board shall consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.

**4.5 Inspection Phase.** After the granting of a Special Permit, Site Plan Review, Parking Plan, Major Non-Residential Project, Senior Campus approval or Definitive Plan approval, the Planning Board may require a Supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

**4.6 Handling of Project Review Fees.** The Project Review Fee is to be deposited into a special account as set forth in G.L. c. 44, s. 53G.

- A. Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.
- B. Project Review Fees shall be turned over to the Town Treasurer by the Planning Board for deposit into a 53G Account.
- C. A copy of the latest statement from the banking institution handling the 53G account shall be forwarded from the office of the Town Treasurer to the Planning Board office as soon as it is received for timely and accurate accounting.
- D. The Town Account shall prepare a report on activity in the 53G Account on an annual basis.
  - 1. This report shall be submitted to the Selectmen for their review.
  - 2. This report shall be printed in the Annual Report for the Town of Dedham.
- E. An accounting of an applicant's funds held in the 53G Account may be requested by the applicant at any time.
  - 1. The Planning Board shall respond to the request in a timely fashion.
  - 2. This accounting shall include the following information:
    - a. The latest statement from the banking institution handling the account, which should include an accurate accumulated interest portion to the closing date of the statement if such statements are subdivided into individual applicants' accounts. Otherwise, a statement of principal and interest, prepared by the Planning Board office, based on the latest statement from the banking institution.
    - b. A report of all checks authorized for issuance since that last banking statement.
- F. An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
- G. Excess fees in the 53G Account, including accumulated interest, shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the review process, as defined below. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

1. With the approval or disapproval of a Preliminary Subdivision Plan.
2. With the disapproval of a Definitive Subdivision Plan.
3. With the release of the performance bond at the end of construction of an approved Definitive Subdivision Plan.
4. With the final inspection or the approval or disapproval on all other types of applications under the Dedham Zoning By-law, whichever comes later.

**4.7 Appeal.** The choice of a consultant selected by the Planning Board for the review of an application may be appealed in writing to the Board of Selectmen by the applicant, providing such appeal is initiated within two weeks of the initial selection.

- A. The Selectmen shall convene a formal hearing within twenty days of receiving a written appeal by an applicant.
- B. Two circumstances may disqualify the selected consultant. These conditions of constitute the *only* grounds for an appeal.
  1. Conflict of interest: A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit in some way from the outcome of the pending review process. Consultants must be in compliance with the Massachusetts Conflict of Interest Law, G.L. c. 268A.
  2. Lack of appropriate qualifications: A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field.
- C. The required time limits for action upon an application by the Planning Board shall be extended by duration of the appeal.
- D. If no decision is rendered by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand.
- E. This appeal shall not preclude further judicial review, if otherwise permitted by law, *on the grounds provided for in this section.*

**SECTION 5. DELINQUENT ACCOUNTS.** The following rules apply to fees owed to the Planning Board by applicants:

**5.1 Monthly Interest Charge.** All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based upon an annual interest rate of 14%.

**5.2 Costs of Collection.** All costs of collection associated with past due accounts shall be borne by the applicant.

**5.3 Current Delinquents.** All applicants owing fees to the Planning Board at the time of any amendment to these provisions of the regulations shall be sent the following:

- A. A duplicate notice of the amount past due.
- B. A copy of the applicable sections of these regulations with all amendments clearly indicated.
- C. Notice of a 30-day grace period before the commencement of any changes in interest rates or charges.

## **SECTION 6. REVISION OF FEE SCHEDULES AND REGULATIONS GOVERNING FEES.**

**6.1 Amendment.** The Planning Board may review and revise its regulations and fee schedules, from time to time, as it sees fit.

- A. Amendments shall be preceded by a public hearing.
- B. Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendments with the Dedham Town Clerk.
- C. The Planning Board will review its regulations and fee schedule on an annual basis.
  - 1. The Board may waive this provision in any year with a motion carried by a majority of the Board members.